?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 14.03.2019
*CORAM
THE HON-BLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HON-BLE MRS.JUSTICE R.THARANI

+W.P(MD)NO.2633 OF 2019

#Kandhasamy
:Petitioner

.vs.

$1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Assistant Director of Panchayat,
Tirunelveli,
Tirunelveli District.

3.The Block Development Officer,
(Village Panchayat),
Block Development Office,
Valliyoor,
Tirunelveli District.

4.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

5.Esakkimuthu : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment put up by the 5th respondent in Government Road comprised in Survey No.894/28 and 895/21 at Ward No.2, Middle Street, South Karunkulam, Radhapuram Taluk, Tirunelveli District based on the Petitioner-s representation, dated 12.12.2018.

!For Petitioner : Mr.S.Vinayak

^For Respondents : Mr.Aayiram K.Selvakumar
1,2 and 4 Addl. Govt.Pleader

For Respondent~3 : Mr.A.Thiyagarajan
Government Advocate

For Respondent~5 :Mr.S.Palanivelayutham

:ORDER

[Order of the Court was made by K.KALYANASUNDARAM.,J.]

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment put up by the 5th respondent in Government Road comprised in Survey Nos.894/28 and 895/21 at Ward No.2, Middle Street, South Karunkulam, Radhapuram Taluk, Tirunelveli District based on the Petitioner-s representation, dated 12.12.2018.

2.Heard S.Vinayak, learned counsel appearing for the Petitioner, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents1,2 and 4, Mr.A.Thiyagarajan, learned Government Advocate appearing for the third respondent and Mr.S.Palanivelauyutham, learned counsel appearing for the fifth respondent and perused the materials available on record.

3.The grievance of the Petitioner is that public road called Middle Street, South Karunkulam, Radhapuram Taluk, Tirunelveli District has been encroached upon by the fifth respondent and the representation to remove the encroachment was not considered by the authorities.

4.It is submitted by the learned counsel appearing for the third respondent that a request was already made to the fourth respondent to conduct a survey and the third respondent is ready to remove the encroachment, if any encroachment is found out in the survey proceedings.

5.In the light of the prayer sought for in the Writ Petition and the submission of the learned counsels, the fourth respondent is directed to conduct a survey of the property in dispute within a period of four weeks from the date of receipt of a copy of this order and if any encroachment is found out during survey, the third respondent is directed to take appropriate action to remove the said encroachment in accordance with law, within a period of three months therefrom.

6.With the above directions, the Writ Petition stands disposed of. No costs.

To

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Tirunelveli District,
Tirunelveli.

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Tirunelveli District.

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(Village Panchayat),
Block Development Office,
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4.The Tahsildar,
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